

### REMARKS

Claims 1-23 are pending. Claims 1-18, 21, and 22 stand rejected. Claims 19, 20, and 23 stand objected to. Claims 1, 17, and 21 have been amended, while claims 24-27 have been added.

### Claim Rejections

Claims 1-18, 21, and 22 stand variously rejected under 35 U.S.C. §102(b) and U.S.C. § 103(a) in view of, and by combinations of the following patents:

- Highgate et al., U.S. Patent Number 4,565,722
- Von Weissenfluh, U.S. Patent Number 5,421,725
- Rawls et al., U.S. Patent Number 5,527,181
- Langer et al., U.S. Patent Number 6,388,043

Claims 1, 17, and 21 have been amended. These claims now recite "wherein said separator is in the shape of an o-ring, slab, coil, or dog bone." This amendment is supported throughout the specification, for example, at page 3, lines 16-20, and in the Figures.

None of the references listed above teach, suggest, or disclose the use of an orthodontic separator in the shape of an o-ring, slab, coil, or dog bone. Rather, the references discuss tapered or wedge shaped inserts for use in orthodontic or dental treatments. Therefore, claims 1, 17, and 21 are both novel and nonobvious over the listed references. Claims 2-16, 18-20, and 22-23, as dependent claims, incorporate all elements of the independent claim upon which they depend. Thus, these claims are also novel and nonobvious over the references. Applicants respectfully request withdrawal of the rejections.

Applicants solicit withdrawal of all rejections and objections, and notification of allowance. If it would be of assistance, the Examiner is invited to call the undersigned at the listed number.

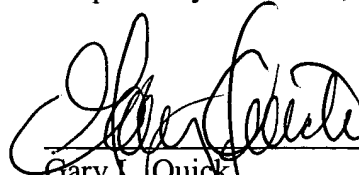
Applicant : James D. Hansen et al.  
Serial No. : 10/078,970  
Filed : February 18, 2002  
Page : 7 of 7

Attorney's Docket No.: 12950-001001 / 56512US002

Enclosed is a check for \$842.00 for the Request for Continued Examination fee and excess claims fee and a check for \$950.00 for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 15 Aug 2004

  
\_\_\_\_\_  
Gary L. Quick  
Reg. No. 55,553

Fish & Richardson P.C., P.A.  
60 South Sixth Street  
Suite 3300  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696